

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 64: BODY PIERCING

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Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 64: BODY PIERCING

§4321. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 206, §1 (NEW).]

1. Body piercer. "Body piercer" means a person who performs body piercing on another.

[1997, c. 206, §1 (NEW) .]

2. Body piercing. "Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an earlobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe. Piercing in an area other than the earlobe, located at the lower end of the ear, is "body piercing" as defined in this subsection and subject to the licensing requirements of this chapter.

[2007, c. 184, §1 (AMD) .]

3. Body piercing establishment. "Body piercing establishment" means the premises where a body piercer performs body piercing.

[1997, c. 206, §1 (NEW) .]

4. Department. "Department" means the Department of Health and Human Services.

[1997, c. 206, §1 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

5. Minor. "Minor" means an individual under 18 years of age who is not emancipated as defined by Title 15, section 3003, subsection 6.

[1997, c. 206, §1 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW). 2003, c. 689, §B6 (REV). 2007, c. 184, §1 (AMD) .

§4322. SAFETY STANDARDS

The department shall establish sterilization, sanitation and safety standards for persons engaged in the business of body piercing. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies. The standards must be adopted by the department by November 1, 1997. [1997, c. 206, §1 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW) .

§4323. BODY PIERCING OF MINORS

A body piercer may not perform body piercing on a minor unless the individual obtains the prior written consent of the minor's parent or legal guardian. The prohibition contained in this section does not apply if:
[1997, c. 206, §1 (NEW).]

1. Proper identification. The body piercer has been furnished with proper identification showing that the individual is 18 years of age or older; and

[1997, c. 206, §1 (NEW) .]

2. Age. The body piercer reasonably believes such a minor to be 18 years of age or older.

[1997, c. 206, §1 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW).

§4324. LICENSE REQUIRED

A person may not engage in the art of body piercing without first obtaining a license from the department. [1997, c. 206, §1 (NEW).]

SECTION HISTORY

1997, c. 206, §1 (NEW).

§4325. ISSUANCE OF LICENSES

The department may license persons to practice the art of body piercing. Licenses are issued annually by the department upon the payment of a fee not to exceed \$250. The license for a person engaged in both the arts of tattooing, as defined by chapter 63, and body piercing may not exceed \$300. The fee required by this section includes the cost of an annual inspection of the body piercing establishment by the department. Licenses expire one year from date of issue. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program. [2009, c. 589, §13 (AMD).]

SECTION HISTORY

1997, c. 206, §1 (NEW). 2009, c. 589, §13 (AMD).

§4326. RULES

The department shall adopt rules necessary for regulating the art of body piercing. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.
[1997, c. 206, §1 (NEW).]

SECTION HISTORY

1997, c. 206, §1 (NEW).

§4327. PENALTIES

1. Penalty. A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards adopted by the department under section 4326 or performs body piercing on a minor without parental consent under section 4323 commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

[2013, c. 264, §17 (NEW) .]

2. Enforcement. A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and [2013, c. 264, §17 (NEW) .]

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees. [2013, c. 264, §17 (NEW) .]

[2013, c. 264, §17 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW). 2013, c. 264, §17 (RPR).

§4328. COMPLIANCE

Beginning January 1, 1998, a person seeking to engage in the business of body piercing shall comply with the provisions of this chapter. [1997, c. 206, §1 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW).

§4329. RESTRICTION

This chapter does not restrict the activities of a physician or surgeon licensed under chapter 48. [1997, c. 206, §1 (NEW) .]

SECTION HISTORY

1997, c. 206, §1 (NEW).

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